

Notice of Allowability

Application No.

10/683,639

Applicant(s)

RICK ET AL.

Examiner

Art Unit

Sanh D. Phu

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Amendment filed on 7/10/2007.
2. ☒ The allowed claim(s) is/are 1-7,12-18,23-25,29 and 30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. This Office Action is responsive to the Amendment filed on 7/10/07.

Accordingly, claims 1-32 are currently pending, of which non-elected claims 8-11, 19-22, 26-28, 31 and 32 have been withdrawn from consideration.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

IN THE CLAIMS:

-Claims 8-11, 19-22, 26-28, 31 and 32 are canceled.

3. This application is in condition for allowance except for the presence of claims 8-11, 19-22, 26-28, 31 and 32 are directed to claims non-elected without traverse. Accordingly, claims 8-11, 19-22, 26-28, 31 and 32 have been cancelled.

REASONS FOR ALLOWANCE

4. Claims 1–7, 12–18, 23–25, 29 and 30 are allowed.

5. The following is an examiner's statement of reasons for allowance:

–Regarding independent claim 1, none of prior art of record teaches or suggests a method as claimed. Karisson (5,640,677) in view of Bottomley (6,473,602) teaches the claimed method except they fails to teach procedures of setting a value indicative of measured power of a second signal, associated with a second cell, to a negligible value when the measured power of the second signal is at least a predetermined margin value lower than the measure powered of a first signal, associated with a first cell being adjacent to the second cell in terms of frequency, with at least the reasons set forth in REMARKS, pages 8–11, of the Amendment filed on 7/10/07. It would not have been obvious for one skilled in the art to implement either one or combination of Karisson and Bottomley for leading such the implementation to the claimed invention.

–Regarding independent claim 12, none of prior art of record teaches or suggests a subscriber unit as claimed. Karisson in view of Bottomley teaches the claimed subscriber unit except they fails to teach a control unit to measure

power of a first signal, associated with first cell, and of second signal, associated with a cell being adjacent to the first cell in term of frequency, and to set a value indicative of the measured power of the second signal to a negligible value when the measured power of the second signal is at least a predetermined margin value lower than the measured power of the first signal, with at least the reasons set forth in REMARKS, pages 8-11, of the Amendment filed on 7/10/07. It would not have been obvious for one skilled in the art to implement either one or combination of Karisson and Bottomley for leading such the implementation to the claimed invention.

-Regarding independent claim 23, none of prior art of record teaches or suggests a computer-readable medium comprising instructions, as claimed. Karisson in view of Choi (2003/0224790) and Bottomley teaches the claimed computer-readable medium except they fails to teach that the computer-readable medium comprising instructions for carrying out procedure of setting a value indicative of measured power of a second signal, associated with a second cell, to a negligible value when the measured power of the second signal is at least a predetermined margin value lower than the measure

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powered of a first signal, associated with a first cell being adjacent to the second cell in terms of frequency, with at least the reasons set forth in REMARKS, pages 8-11, of the Amendment filed on 7/10/07. It would not have been obvious for one skilled in the art to implement either one or combination of Karisson, Choi and Bottomley for leading such the implementation to the claimed invention.

-Regarding independent claim 29, none of prior art of record teaches or suggests a subscriber unit as claimed. Karisson in view of Bottomley teaches the claimed subscriber unit except they fails to teach means to measure power of a first signal, associated with first cell, and of second signal, associated with a cell being adjacent to the first cell in term of frequency, and to set a value indicative of the measured power of the second signal to a negligible value when the measured power of the second signal is at least a predetermined margin value lower than the measured power of the first signal, with at least the reasons set forth in REMARKS, pages 8-11, of the Amendment filed on 7/10/07. It would not have been obvious for one skilled in the art to

implement either one or combination of Karisson and Bottomley for leading such the implementation to the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanh D. Phu whose telephone number is (571)272-7857. The examiner can normally be reached on M-Fr from 8:00-16:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on (571) 272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sanh D Phu
Primary Examiner
Art Unit 2618

SP

8/21/07
